

REMARKS

This response is filed in reply to the final Office Action dated February 13, 2004 ("Office Action"). In the Office Action, the Examiner indicated that claims 8-11, 13-18, 20-23, 25, and 35-46 were allowed.¹ See the Office Action, page 2, item 6. Nonetheless, it is the Examiner's position that "Applicant's [previous] arguments filed 20 August 2003 ... are not persuasive." See the Office Action, page 2, item 3. More specifically, he stated that "[t]his application contains claims 1-7 and 26-34 drawn to an invention nonelected with traverse in [Applicant's Response to Restriction Requirement dated 22 April 2003]. A complete reply to the final rejection must include cancellation of nonelected claims ...(37 CFR 1.144). See MPEP § 821.01 (Emphasis added)."

Applicant notes that, contrary to the Examiner's statement, claims 1-7 and 26-34 were nonelected without traverse. See the Restriction Requirement and the response thereto. Upon receipt of the Office Action, Applicant's counsel conducted an interview with the Examiner on February 23, 2004. During the interview, the Examiner acknowledged the mistake and admitted that 37 CFR 1.144 was not applicable.² He further suggested that Applicant file a response to the Office Action and agreed to issue a notice of allowance after receiving the response.

Applicant hereby files this response, which also serves as a summary of the interview. For the facts and reasons set forth above, Applicant submits that allowance of this application is proper, and early favorable action is solicited. Please apply any other charges to deposit account 06-1050.

Respectfully submitted,

Date: 4-13-04

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¹ The Examiner erred in including claim 19, which was previously cancelled.

² The Examiner also acknowledged that "20 August" in item 3 in the Office Action should read "3 October."